

CHAPTER 10

LAND PRESERVATION

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TABLE OF CONTENTS

1	Background
2	Goals and Objectives
2	Goal 1: Farmland
4	Goal 2: Open Space
5	Goal 3: Active Recreation
6	Goal 4: Land Stewardship

See next page for list of tables and figures.



CHAPTER 10 | LAND PRESERVATION

Tables

10.1 | Protected Lands in Southold Town

10.2 | Protected Lands and Land
Available for Development





10 | LAND PRESERVATION

This chapter discusses land preservation as it pertains to Southold Town's vision for its future. Southold's residents have historically been in favor of land preservation to maintain the Town's farmlands and open spaces. The goals and objectives to achieve adequate preservation of the Town's land resources are presented.

Background

Southold's character is formed in large part by its open spaces, including its farmland, natural lands, and parks. Protecting these assets has long been a goal of the Town. Since 1983, the Town has actively funded land preservation projects through bonds and the funds generated through the Peconic Bay Community Preservation Fund Act (CPF) (see **Appendix 7** for more details on the CPF). From 1983 to 2018, Southold Town has protected a total of 3,351 acres through purchases of land and development rights.

Purchases of land and farmland development rights continue to be an important part of land preservation; however, the Town recognizes that additional methods of preserving land are necessary to maintain Southold's quality of life and agricultural base. These include subdivision regulations that require clustering to create open space, as well as incentive-based, voluntary programs to reduce density. In 2006 the Town Board enacted new subdivision regulations, codifying the conservation subdivision (incentive-based and voluntary), as well as a mandatory clustering requirement for standard subdivisions. Conservation subdivisions are voluntary and preserve a minimum of 75 percent of the land, along with up to a 75 percent density reduction for which the landowner is compensated. Standard subdivisions

require that 60 percent of the land be preserved as open space for parcels seven acres or more. So far, about 820 acres of open space have been preserved as a result of the clustering requirement for subdivisions.

The Town also offers variations on the conservation subdivision concept. These variations preserve land and provide benefits to the landowner in the present, while deferring any actual subdivision until later. Such options include the Open Development Area (ODA) plans and the Agricultural Planned Development District (Ag PDD) programs.



Other entities in addition to the Town that have preserved land in Southold include the park districts, Suffolk County, New York State, federal agencies (National Oceanic and Atmospheric Administration [NOAA], United States Fish & Wildlife Service) and non-profit organizations such as the Peconic Land Trust and The Nature Conservancy.

Table 10.1 includes a summary of all land preserved to date.

Table 10.1 Protected Lands in Southold Town

Owner & Type of Protected Land	Total
New York State Open Space ¹	477
New York State Parkland ²	384
Park District	167
Private Farmland Development Rights ³	207
Private Open Space ^{3,4}	924
Southold Town Farmland Development Rights	2,633
Subdivision Open Space	828
Suffolk County Farmland Development Rights	1,751
Suffolk County Open Space	525
Suffolk County Parkland	134
Town Open Space	633
Town Parkland	71
Town/County Partnership Open Space	218
Total	8,952

¹ **Open Space** represents lands purchased outright for preservation where typically only passive recreation takes place (e.g., hiking, nature observation).

² **Parkland** represents parks where active recreation takes place (typically ball fields, tennis courts, etc.).

³ **Private** represents non-profits and other non-government groups that have protected land.

⁴ **Development Rights** represent land where the rights to develop were purchased (e.g., farmland where the landowner retains the right to farm it, but sells the rights to build houses).

Nearly 27 percent of the total land area of Southold Town is protected from development, and a nearly equal amount—also approximately 27 percent—of its total land area is available for development, as shown in **Table 10.2**. More than half of the land available for development is currently farmland. A more detailed discussion of land use can be found in Chapter 3, “Land Use & Zoning.”

Table 10.2 Protected Lands and Land Available for Development*

	Acres
Land protected from development (except agricultural development is allowed on development-rights sold land)	8,952
Land available for development Parcels ≥7 acres in residential zoning districts must preserve at least 60% of the area as open space when subdividing into additional lots. Note that this amount is an estimate, based on the best available data, and is subject to constant change.	8,357

* The remainder of the land in the Town is either developed or considered unavailable for development for various reasons.

Since April 2004, the Town has tracked its rate of land preservation versus land development. This effort was conducted primarily on the mainland where the bulk of the subdividable land is located. The land, located in R-40, R-80, and AC zoning districts, had an overall preservation rate of 93 percent from 2004 to 2018.

Following are the goals and objectives relating to land preservation in Southold Town.

GOALS AND OBJECTIVES

Goal 1: Farmland

Continue to promote farming with an overall goal of retaining at least 8,000 acres (80 percent of the current agricultural acreage) in agriculture.

Protecting farmland from conversion to residential development is crucial to Southold’s future, both for its economy and its community character. Funding to purchase additional development rights is expected to be available for many years due to (1) the extension of the Peconic Bay CPF to 2050; (2) strong property values; and (3) a robust number of property transfers.

In addition to the purchase of development rights, agriculture is best protected by ensuring that farming remains a viable business. The total amount of land in agriculture in 2018 equaled approximately 10,000 acres, or 30 percent of Southold’s total land area. About 48 percent of the 10,000 acres is protected in some way (see Chapter 9, “Agriculture,” for more details), which leaves about 5,200 acres of farmland available for residential development (technically some portion of this land would be protected by the 60 percent open space requirement for subdivisions of 7+ acre parcels). In other words, of the 8,800 +/- acres of land available

for development in Southold Town, over 5,200 of those acres, or about 60 percent, is farmland. Ideally, all of this land would continue to be available for agriculture; however, in the case that some conversion of agricultural land does occur, the Town's goal is to ensure that at least 80 percent of current farmland remains in agriculture.

🎯 Objective 1.1

Ensure Southold Town Code and policies encourage and advance the business of agriculture.

(See Goal 1.1 of Chapter 9, "Agriculture," for detailed objectives to encourage & advance the industry of agriculture).

🎯 Objective 1.2

Continue to purchase farmland development rights to preserve farmland.

Landowners have the option to sell development rights to government entities via several funding mechanisms, including the 2 percent transfer tax known as the Peconic Bay Region CPF (see **Appendix 7** for more detail on the CPF). The sale of development rights extinguishes the right to build houses, while retaining the right to use the land for farming. A total of 4,760 acres farmland have been protected from residential development, with over half of those acres having been protected by the Town. The Town has been active in the purchase of development rights and has protected over 2,600 acres of farmland in this way.

- A |** Prioritize farmland preservation efforts to create large, contiguous blocks of farmland where possible.
- B |** Regularly update the Peconic Bay CPF Plan.

This plan, created as a result of the Peconic Bay Region Community Preservation Fund Act, contains the list of parcels eligible to be purchased using the funds generated by this program (see **Appendix 7** for more details on the CPF).

- C |** Continue to seek partnerships with Suffolk County and New York State to protect farmland.
- D |** Continue to seek grants to increase the amount of land the Town can protect.
- E |** Contact appropriate state-elected officials to promote the extension of the CPF, which will sunset in 2050.
- F |** Identify other financing opportunities and mechanisms to protect land including issuing additional local bonds, creating additional partnerships, and finding other financing tools including bargain sales and estate planning.

- G |** Keep preserved agricultural land in active agriculture through incentives and easement requirements.
- H |** Ensure that information about options for land-owners regarding land preservation for agriculture is readily available on the Town's website, as well as in the Planning and Land Preservation Departments.
- Responsible Parties:** Land Preservation Committee, Land Preservation Coordinator
- Possible Partnerships:** Agricultural Advisory Committee, Peconic Land Trust, Suffolk County, New York State, federal funding sources



🎯 Objective 1.3

Promote conservation subdivisions and design all subdivisions of farmland to enhance agriculture.

Where land is being subdivided, continue to encourage conservation subdivisions where possible. Where standard subdivisions do occur on farmland, ensure that the clustering provision of the subdivision code is implemented to best preserve the future of farming on the parcel.

- A |** Promote the benefits of conservation subdivisions, Open Development Area Plans (ODA), and Agricultural Planned Development Districts (Ag PDD) to landowners and continue to expedite the processing of conservation subdivision applications in the Planning Department.
- B |** Design both standard and conservation subdivisions involving farmland to enhance farming and minimize potential incompatibility with residential neighbors by incorporating the following into the design:
 - 1 |** Design the location of the lots so that the remaining farmland is of a shape and size that is conducive to farming (e.g., tractors can maneuver, access to sunlight is maximized, and the number of adjacent residential lots is minimized).

- 2 | Design the location of the open space/farmland so it is contiguous with other farmland.
 - 3 | Avoid locating lots adjacent to active farmland to the extent possible.
 - 4 | Where lots are adjacent to farmland, provide vegetated evergreen buffers on the residential lots.
 - 5 | Design agricultural open space to maintain the viable agricultural lot. Issues to be considered include the location of the irrigation well, farm utility buildings, and existing or future homestead location, among others.
- C | Encourage a continuation of farming on agricultural land that is preserved in a subdivision.
 - D | Monitor and enforce required buffers adjacent to farmland and open space.
- **Responsible Parties:** Planning Board, Planning staff, Land Preservation Committee, Land Preservation Coordinator
 - **Possible Partnerships:** Suffolk County, New York State, federal grant programs

🎯 Goal 2: Open Space



Continue to preserve lands with high-quality natural resources, including wetlands, watersheds, shorelines, significant trees and woodland, and wildlife habitat; those lands with recognized scenic values; and smaller parcels that could provide for village greens or neighborhood pocket parks.

Protected land other than farmland is often referred to as open space. Open space lands are typically purchased outright (as opposed to farms where only the development rights are purchased and the landowner retains ownership of the land itself.)

With approximately 3,100 acres of non-farmland remaining available for development, there remain opportunities to preserve other types of land to achieve important goals such as the preservation of natural resources, scenic resources, and creation of pocket parks or hamlet greens.

🎯 Objective 2.1

Continue to purchase open space parcels.

Purchasing land for preservation remains one of the surest ways to protect the land. The Town continues to have a steady stream of income for land preservation from the Peconic Bay CPF program. In addition, the Town continues to receive grant funds and participate in partnerships with other entities to purchase open space.

- A | Prioritize the existing parcels for open space in a public process and using the following parameters as a guide:
 - Parcel will help to create a contiguous block of open space to improve the habitat values of natural lands
 - Parcel contains environmentally sensitive areas
 - Parcel will help protect surface and/or groundwater quality
 - Parcel provides meaningful access to the water in areas that lack public boat ramps and beaches
 - Parcel provides a trail extension or connection and enhances the Town's trail system
 - Parcel contains scenic values (see Chapter 5, "Community Character," for recommendations on a scenic inventory)
 - Parcel is in the 100-year floodplain
 - Parcel provides value as a village green in or near a hamlet center
 - Other criteria
 - B | Consider a separate prioritization system for parcels on Fishers Island.
 - C | Identify other financing opportunities and mechanisms to protect land including additional local bonds, partnerships, and other financing tools, including bargain sales and estate planning.
 - D | Ensure that information about options for landowners regarding land preservation is readily available on the Town's website, as well as in the Planning and Land Preservation Departments.
- **Responsible Parties:** Land Preservation Committee, Land Preservation Coordinator
 - **Possible Partnerships:** Henry L. Ferguson Museum Land Trust (Fishers Island)

🎯 Objective 2.2

Promote conservation subdivisions and design all subdivisions of non-farmland to enhance natural and scenic resources.

When subdivisions occur, they must be designed so that natural and scenic resources are taken into account and protected to the extent possible. This can be accomplished by clustering the lots to avoid development in environmentally sensitive areas and scenic viewsheds.

- A |** Encourage conservation subdivisions on lands with high-quality natural and/or scenic resources.
 - B |** Design clustered subdivisions of non-farmland to be compatible with adjacent open spaces and other protected lands by making the open space from the subdivision contiguous with the existing open space.
 - C |** Promote trails and links to existing trails when designing clustered subdivisions.
 - D |** Aggregate open space as much as possible to create larger blocks.
 - E |** Limit the number of lots that border the open space to the extent feasible to limit future encroachment issues.
 - F |** Consider increasing the mandatory open space percentage for subdivision on lands located over particularly sensitive aquifers (e.g., in sole source aquifers where private wells are the main source of drinking water).
- **Responsible Parties:** Planning Board, Planning Department
 - **Possible Partnerships:** Land Preservation Committee, Land Preservation Coordinator, Peconic Land Trust, The Nature Conservancy, Suffolk County

🎯 Objective 2.3

Protect the environmentally sensitive and historically significant areas of Plum Island.

Plum Island, an 816-acre island located less than a mile off Orient Point, has been under the control of the federal government since before zoning was enacted in Southold. The federal government continues to operate the animal disease research lab on the island; however, there is legislation from Congress directing the U.S. General Services Administration to sell the

island so that funding can be obtained to build a new lab elsewhere. Without zoning, the island is vulnerable to inappropriate development should it become privately owned. Zoning Plum Island is necessary to ensure that natural and economic resources are protected, along with the public's health, safety, and welfare.

Much of the island, though heavily used in the past by the military, has reverted to its natural state, and now contains significant wildlife habitat and endangered and threatened plant and animal species. The Town must consider how it will protect the environmentally sensitive areas of the island, while retaining the economic benefits in the form of jobs that the research lab provides.

- A |** Apply a zoning district that addresses its unique circumstances, including the island's natural resource and scenic value, as well as the potential to provide jobs in the future.
 - B |** Explore the feasibility of working with other government agencies to protect the environmentally sensitive areas on Plum Island.
- **Responsible Parties:** Planning Department
 - **Possible Partnerships:** U.S. Fish & Wildlife Service, The Nature Conservancy

🎯 Goal 3: Active Recreation



Southold Town offers numerous recreational opportunities on its land and waters, and has acquired and managed many acres of recreational lands through its diverse programs. Further opportunities have been established by the four park districts, those of Mattituck, Cutchogue-New Suffolk, Southold, and Orient-East Marion.

🎯 Objective 3.1

Continue to preserve lands for active recreation where needed.

Detailed objectives relating to active recreation and possible additional land preservation for that purpose can be found in Chapter 13, "Parks & Recreation."

- **Responsible Parties:** Parks & Recreation Committee, Recreation Department
- **Possible Partnerships:** Land Preservation Committee, Land Preservation Coordinator

🎯 Goal 4: Land Stewardship

Land stewardship is an important aspect of the land preservation program and involves managing Town-owned land, as well as monitoring the Town's easements on lands where development rights were purchased or where preservation was a condition of a subdivision approval. The purpose for managing and monitoring land preserved with Town funds is to ensure that the use of those lands meets the purpose(s) for which they were preserved.

🎯 Objective 4.1

Ensure compliance with Town-held conservation, open space, and development rights easements.

The Town holds easements over farmland and other types of land, meaning the Town has extinguished the development rights by purchasing them or requiring they be extinguished via the cluster subdivision process. To ensure the easement is being honored over time, the land must be monitored regularly. The Town Land Preservation Department monitors the easements over land where development rights have been purchased, including over 100 parcels representing over 2,000 acres of land. The Town holds additional easements over open space in subdivisions that represent over 700 acres, and which are in need of being included in a formal monitoring program.

- A | Expand the easement monitoring program to include the lands protected through the subdivision process.
- B | During the monitoring of each easement, record the use of the property and add that data to the Town's GIS database.
- C | Standardize annual or biannual monitoring of easements.

- D | Standardize easement language to the extent possible (both for purchase of development rights and subdivision open space) to facilitate future compliance and monitoring.
- E | Provide educational materials to new owners of land over which the Town holds an easement to alert the landowner to the terms of the easement and reduce the potential for inadvertent easement violations.
- F | Create pamphlets containing information on easements to send to new landowners.
- G | Create online resources on the Town website.
- H | Formalize the procedure for the notification to new landowners with Town-held easements and request acknowledgement of receipt of notification.
- I | Provide educational materials to landowners adjacent to protected lands to reduce the potential for encroachments (both online and in paper format).
- **Responsible Parties:** Land Preservation Coordinator, Town Planning Director
- **Possible Partnerships:** Landowners, Homeowners Associations

🎯 Objective 4.2

Continue to manage Town-owned open space/nature preserves through a land stewardship program.



The Town manages the open space/nature preserves it owns through routine maintenance and management plans. There are over 50 preserved parcels, representing over 800 acres of land to be managed, and there were 11 Town preserves managed for public use as of April 2019.

The management plans outline the uses for each preserve, the trail system (if any), and other appropriate uses, as well as steps the Town should take to responsibly manage the property for the purpose it was preserved, including creating and maintaining parking areas, wildlife habitat management, and trail maintenance.

- A** | Maintain current trails and public access points to Town nature preserves.
- B** | Open additional preserves to the public as time and resources allow.
- C** | Balance public access with protecting the ecological integrity of each Town preserve.
- D** | Create policies and/or guidelines for routine maintenance of Town open space/nature preserves.
- E** | Continue to write, adopt, and implement management plans for all preserves.
- F** | Create a trail system that includes links to existing trails, recreational facilities, and new trails where feasible.
- G** | Create a formal volunteer or “friends” program to help preserve stewardship.
- H** | Establish a formal process for the public to report problems at preserves.
- I** | Create an Adopt-a-Preserve program where groups can provide funding for land stewardship.
- J** | Educate the public about everyday land stewardship values they can follow when visiting preserves.
- K** | Promote the public’s use of the trails through the following:
 - 1** | Make the trails accessible on smart phones with live GPS tracking

- 2** | Create self-guided walking tours (e.g., podcasts) offering insights into the geology, history, wildlife, and natural features of each preserve
- 3** | Post the trail maps online for download
- 4** | Create Paper Trail maps/brochure handouts
- 5** | Offer trail maps & information at trail-head kiosks

➤ **Responsible Parties:** Land Preservation Coordinator, Land Preservation Committee

➤ **Possible Partnerships:** Volunteers, civic associations, Boy Scouts, Girl Scouts, Reserve Officer Training Corps (ROTC), Rotary Clubs, Elks Clubs, Chambers of Commerce, local businesses, schools, North Fork Audubon

🎯 Objective 4.3

Provide the public with an online resource to find preserves open to the public and provide information about land protected with easements.

Create an interactive map for the website that includes all the protected lands.

Information for each protected parcel to include the following:

- Protection type (owned by Town or easement held by Town)
- Whether it is open to the public
- General description of the allowed and prohibited uses

➤ **Responsible Parties:** Land Preservation Coordinator

➤ **Possible Partnerships:** GIS Coordinator, Southold Town Information Technology Department, Southold Town Planning Department

